

# **6 FAH-2 H-420 TECHNICAL EVALUATION FOR COMPETITIVELY NEGOTIATED ACQUISITIONS**

*(TL:CORH-1; 08-21-1997)*

## **6 FAH-2 H-421 TECHNICAL EVALUATION RESPONSIBILITIES**

*(TL:CORH-1; 08-21-1997)*  
*(State Only)*

a. Acquisition policy requires that any competitively negotiated acquisition have, as a part of the Procurement Request Package, a plan for evaluating the proposals and ranking the prospective offerors. (See 6 FAH-2 H-365 for detailed information on developing the evaluation plan.)

b. The purpose of the technical evaluation is to select those offerors whose proposals offer the best composite blend of performance, schedules, and quality of work.

### **6 FAH-2 H-421.1 COR Responsibilities**

*(TL:CORH-1; 08-21-1997)*  
*(State Only)*

The COR is responsible for recommending, to the Contracting Officer, prospective Technical Evaluation Panel members who are technically competent to identify the strengths and weaknesses of the various proposals. In most instances, the COR is appointed as the Chairperson of the Technical Evaluation Panel. If the requirements office is a contracting office (e.g., the Office of Acquisitions), in no event shall the COR, nor any member of his or her staff, also act as Contracting Officer.

### **6 FAH-2 H-421.2 Contracting Officer Responsibilities**

*(TL:CORH-1; 08-21-1997)*  
*(State Only)*

The Contracting Officer is responsible for assuring that the technical evaluation is appropriately conducted. The Contracting Officer appoints the members of the Technical Evaluation Panel in writing.

## **6 FAH-2 H-421.3 Technical Evaluation Panel (TEP) Responsibilities**

*(TL:CORH-1; 08-21-1997)*  
*(State Only)*

The Technical Evaluation Panel (TEP) is responsible for evaluating the original proposals; making recommendations to the Chairperson regarding clarifications and deficiencies; reviewing supplemental, revised, and/or "best and final" offers; and, if required, assisting the Contracting Officer during discussions and negotiations.

## **6 FAH-2 H-422 SELECTION OF THE TECHNICAL EVALUATION PANEL**

*(TL:CORH-1; 08-21-1997)*  
*(State Only)*

a. The Technical Evaluation Panel (TEP) and its Chairperson should be designated early in the acquisition process in order that they may provide input into the Statement of Work and the technical evaluation plan. The Contracting Officer selects the TEP members based upon the recommendation of the COR. To the extent possible, to ensure consistency, the same panel members should be available throughout the evaluation and selection process.

b. The TEP generally consists of from three to five members of whom one, usually the COR, is designated as the Chairperson. All should have technical qualifications or personal characteristics suited to the technical evaluation task.

## **6 FAH-2 H-423 BRIEFING THE TECHNICAL EVALUATION PANEL**

*(TL:CORH-1; 08-21-1997)*  
*(State Only)*

a. The Contracting Officer is responsible for ensuring that the TEP is briefed on the procedures for conducting the evaluation. However, either the Contracting Officer, program official, or Chairperson may conduct the briefing. The following paragraphs cover matters which should be addressed.

b. **Review of the solicitation documents.** The panel members should review the acquisition objectives; the Request for Proposal, including the Statement of Work and technical evaluation criteria; and the technical evaluation plan before evaluating the proposals. It is imperative that evaluators adhere to the evaluation criteria and relative weights **as stated in the RFP** when evaluating the proposals.

c. **Standards of conduct and conflicts of interest, potential and real.** Panel members should have no real, or apparent conflicts of interest relating to the proposal being evaluated. They are responsible for disqualifying themselves from all participation if such a conflict exists. Panel members are prohibited from making any contact with an offeror unless such contact is approved by the Contracting Officer.

d. **Security requirements and other administrative matters.** The Chairperson, TEP, coordinates the evaluation and briefs the panel on administrative and logistical arrangements.

e. **Date for submission of the evaluation reports.** The date by which the TEP should complete its evaluation, and submit to the Contracting Officer a summary evaluation report with attached individual reports. The Chairperson must inform the Contracting Officer if this date cannot be met. Proper planning for the acquisition will allow time to be allocated for proposal evaluation.

f. **The handling of classified material, protected information, and information concerning TEP activities.**

(1) The Contracting Officer and the Chairperson are responsible for ensuring that all evaluators are aware of security procedures regarding the handling of classified material, if any aspect of the acquisition involves classified information.

(2) Because of the sensitive nature of all negotiated acquisitions, personnel involved in the evaluation process must maintain confidentiality. Information concerning the acquisition must not be disclosed to any person not directly involved in the evaluation process.

(3) In a competitive procurement, the winning proposal is based on advantage to the U.S. Government, either of price or technical excellence. Information submitted by an offeror regarding proposed price or technical approach is **submitted in confidence**. Offerors submit such information with the understanding that it will not be disclosed.

(4) The Freedom of Information Act (FOIA) specifies how and when agencies must make their records available upon public request. Contracting Officers may receive requests for records that may be exempted from mandatory public disclosure because of classified information, trade secrets, and confidential commercial or financial information. All requests for information under FOIA should be referred to the Foreign Affairs Information Management, Information and Privacy Office, U.S. Department of State, 2201 C Street NW, Room 1239, Washington, DC 20520-1512.

All TEP members must understand that the unauthorized disclosure of certain business information submitted to the U.S. Government in confidence constitutes an offense with civil and criminal penalties.

(5) Precautions for safeguarding the contents of proposals include:

(a) Ensuring that proposals are not left unattended unless secured under lock and key.

(b) Avoiding casual conversation regarding content of the proposals both during and after the evaluation.

(c) Ensuring that, when evaluators are working, no unauthorized personnel enter the evaluation area.

(d) Ensuring that notes are not left lying about and that drafts of reports are destroyed so that fragments are not found in the trash.

(e) Ensuring that no photocopying of any solicitation materials is allowed.

f. **An explanation of the procedure for evaluating the proposals.** The steps to be followed in performing the technical evaluation are outlined in the briefing.

g. **An explanation of the time commitment involved.** It must be clearly emphasized that it is essential that TEP members devote the necessary time and effort to attend meetings, read proposals, and properly document the TEP's activities. Any individual problems which surface should be dealt with at the outset. If an individual member cannot devote the necessary time and no relief from conflicting responsibilities is possible, the Chairperson should request that the member be replaced. Persons and supervisors accepting in and concurring in an appointment to a TEP should be aware that during its life, a member's first responsibility is to the TEP's activities.

## 6 FAH-2 H-424 PERFORMING THE TECHNICAL EVALUATION

*(TL:CORH-1; 08-21-1997)*  
*(State Only)*

a. The following provides a brief synopsis of the evaluation process. The steps will be discussed in more detail in subsequent sections.

b. Upon receipt of the proposals, the Contracting Officer will request that the TEP be convened to evaluate the proposals. The TEP meets at the call of the Chairperson. The TEP should establish a schedule for its deliberations, including meeting dates, that support the Contracting Officer's planned date for completion of the technical evaluation.

c. The Chairperson will receive only the technical proposals (i.e., all price information removed) from the Contracting Officer and will distribute them to the TEP.

d. The TEP reviews and evaluates the technical proposals in accordance with the evaluation criteria set forth in the RFP and the evaluation plan.

e. The Contracting Officer retains the cost/price proposals and assesses them, with assistance as needed, from contracting, legal, and audit personnel. (No cost information is provided to the technical evaluators until their technical evaluation is complete.)

f. Upon receipt of the TEP's initial report, the Contracting Officer will determine the competitive range by selecting those proposals that from both a cost and technical standpoint have a reasonable chance of being selected for award.

g. The Contracting Officer, with the assistance of the TEP, will conduct written or oral discussions/negotiations with those offerors in the competitive range. The offerors are provided an opportunity to submit "Best and Final Offers", i.e., revised proposals.

h. The TEP will evaluate the Best and Final Offers and revise their findings, as appropriate. Based on the TEP's findings, the Contracting Officer shall select for award the offeror whose proposal offers the greatest value to the Government, cost or price, technical, and other factors considered.

i. All unsuccessful offerors must be notified of the final award of the contract. They may request in writing a formal debriefing, i.e., an explanation of why they did not receive the contract award.

## 6 FAH-2 H-424.1 Scoring the Proposals

*(TL:CORH-1; 08-21-1997)*

*(State Only)*

a. The Chairperson, TEP, distributes the technical evaluation plan and sets of evaluation sheets (if not already included in the plan) (see 6 FAH-2 H-365 Exhibit H-365 and 6 FAH-2 H-424 Exhibit H-424.1 ) which provide space for the individual evaluators to rate each criterion for each proposal.

b. The TEP must evaluate the proposals using the criteria and relative weights **set forth in the RFP** and incorporated into the technical evaluation plan. (Any deviation from the RFP criteria will necessitate a formal amendment to the RFP informing all parties of the change.)

c. The TEP must follow the methodology for scoring the proposals included in the technical evaluation plan in order to ensure impartiality and objectivity in the conduct of the evaluation. A key fact to remember is that proposals must be evaluated against the solicitation requirements and evaluation criteria, **not against each other**.

d. Each TEP member must independently review, evaluate and score each proposal. The evaluation process should not be merely a numerical exercise. Rather, TEP members should make professional value judgments.

e. Numerical weights should be used for ranking purposes only, not for determining acceptability.

f. When employing numerical ratings, assessments of technical merit should first be made in terms of qualitative, adjectival ratings, each supported by a narrative description and later converted to numerical values.

g. Each TEP member must document his or her score for each proposal in writing, and sign and date the evaluation plan or score sheet. This documentation may be hand written, but must be legible.

## 6 FAH-2 H-424.2 Narrative Comments

*(TL:CORH-1; 08-21-1997)*

*(State Only)*

a. The TEP must advise the Contracting Officer of the strengths and weaknesses of the technical proposals. These data are an essential element of the panel's Summary Report to the Contracting Officer.

b. Each evaluator must provide narrative comments supporting the rating, for each evaluation criterion, on each proposal. TEP members must take special care to properly justify in writing any extremely high or extremely low scores assigned. 6 FAH-2 H-424 Exhibit H-424.1 provides a "Contract Proposal Technical Evaluation " which may be used by each evaluator in preparing the narrative comments, if not already included on the plan. 6 FAH-2 H-424 Exhibit H-424.2 provides an example of a summary page for each proposal to obtain an overall rating.

c. As the TEP member rates each proposal in terms of the adjectival ratings and numerical equivalents, he or she should prepare the narrative explanation for the ratings while the rationale is clearly in mind. At the moment a TEP member concludes that a proposal feature merits a particular rating, he or she usually has in mind the basis for that

rating, but the rationale must be remembered later in the evaluation process, perhaps several days or weeks later, and after reading and evaluating a number of other proposals. Failure to document the basis for the rating makes intelligent discussion of the proposals by the TEP next to impossible. Without it, a significant amount of time will be required by the TEP to reconstruct the reasoning underlying the recommendations to be contained in the TEP reports. That is wasteful and prolongs the selection decision.

d. In the narrative, provide strong, clear, **substantive** comments which support the determination of acceptability or non-acceptability and explain the specific strengths and weaknesses of each proposal in comparison to the solicitation.

e. The Chairperson should ensure that the comments prepared by each TEP member fully relate to and support the assigned rating. Toward this end, he or she may discuss the comments with the individual evaluators.

f. Unsuccessful offerors, upon their written request, will later have to be debriefed and furnished the basis for the selection decision and contract award. Debriefing information must include the U.S. Government's evaluation of the significant weak or deficient factors in the proposal. Thus, the narrative explanation of proposal deficiencies becomes essential for the Contracting Officer to provide debriefings.

## **6 FAH-2 H-424.2-1 Identifying Ambiguities**

*(TL:CORH-1; 08-21-1997)*  
*(State Only)*

a. TEP members should not presume the meaning of any part of a proposal which is not clear on its own terms. Items requiring clarification or interpretation should be identified to the Contracting Officer by the TEP Chairperson.

b. It is the responsibility of the Contracting Officer to address inquiries to offerors regarding needed clarification. The inquiry (not request) must limit the offeror's response to the clarification requested, and make clear that substantive revisions which would constitute a new proposal are not desired and will not be evaluated.

## **6 FAH-2 H-424.2-2 Insufficient Documentation of Technical Approach**

*(TL:CORH-1; 08-21-1997)*  
*(State Only)*

In some instances, a proposal may lack sufficient information to permit an assessment of its technical feasibility. The needed information should be identified in writing by the evaluator. As in the case of ambiguous language, and for the same reasons, TEP members should not seek additional information from offerors but should bring the matter to the attention of the Contracting Officer.

## **6 FAH-2 H-424.2-3 Identifying Deficiencies and Unacceptable Proposals**

*(TL:CORH-1; 08-21-1997)*  
*(State Only)*

a. Any aspect of a proposal which does not fulfill the minimum requirements of the solicitation is called a "deficiency" and a proposal that is "deficient" is, by definition,

"unacceptable." (This does not mean, however, that the deficiency cannot be remedied and that the proposal cannot be made "acceptable.")

b. A determination of non-acceptability must be based on the minimum requirements set forth in the RFP. These requirements may relate to either the technical qualifications of the offeror or the technical adequacy of what is being proposed.

c. For each deficiency, the TEP member should provide an explanation of why the minimum requirement was not met and an opinion, with supporting rationale, as to whether the deficiency can be remedied by the offeror or whether remedying the deficiency would entail so substantial a revision as to amount to allowing the submission of a second proposal.



## **6 FAH-2 H-424.3 Reaching a Consensus**

*(TL:CORH-1; 08-21-1997)*

*(State Only)*

a. The TEP is encouraged to meet at least once after all members have completed scoring all proposals. TEP members should be encouraged to discuss the proposals with each other. It is permissible for TEP members to change their scores of one or more proposals if this discussion reveals information the TEP member has missed in evaluating the proposal.

b. TEP members shall reach and support a consensus, concerning the technical merit, strengths, and weaknesses of each proposal. As a result of discussions leading to a consensus, no TEP member should be pressured to change a score or comment, but any TEP member is free to change any initial scores or comments he or she has assigned.

c. After each TEP member has evaluated the proposals, under the Chairperson's leadership they will collectively develop a consensus reflecting the varying viewpoints and contributions of the panel members. The exhibits in this subchapter provide both an arithmetic scheme for this process and create the required written record of the technical evaluation.

d. As a part of the Summary Report, the TEP provides the Contracting Officer with both the consensus numerical scores and narrative explanation for each score. In exceptional cases, where the TEP is unable to reach agreement, the Summary Report should include both the majority conclusion and the dissenting view(s), each with supporting rationale.

## **6 FAH-2 H-424.4 Technical Evaluation Panel Summary Report**

*(TL:CORH-1; 08-21-1997)*

*(State Only)*

a. The Summary Report must be prepared and signed by all voting panel members for submission to the Contracting Officer. The report includes a narrative evaluation which specifies the strengths and weaknesses of each proposal and any reservations or qualifications which may affect source selection, negotiation, or award.

b. The Summary Report includes a technical ranking of all proposals, listed in descending order of technical merit; and, an assessment of the proposals as being either technically acceptable, capable of being made acceptable, or unacceptable.

c. For any proposals determined to be unacceptable, the reasons must be clearly indicated and the report should specify whether the proposals could be made acceptable through the submission of clarifying information by the offeror.

d. The Chairperson will summarize the ratings of the evaluators, by proposal, on a "Summary of Ratings format ( 6 FAH-2 H-424 Exhibit H-424.4 has an example), and will place the proposals in rank order with their adjectival ratings on a "Ranking of Contract Proposals" ( 6 FAH-2 H-424 Exhibit H-424.4 has an example). These forms constitute a portion of the Summary Report.

e. Concerning matters of technical sufficiency, the Summary Report provides a basis for the Contracting Officer to develop a plan for the negotiations with the offerors, and for making the source selection, the term for selecting the winning offer. The

Contracting Officer will incorporate the Summary Report's major points in the Memorandum of Negotiations and may refer to the report in debriefing unsuccessful offerors.

## **6 FAH-2 H-424.5 Comptroller General Decisions Relating to Technical Evaluation**

*(TL:CORH-1; 08-21-1997)*  
*(State Only)*

The Comptroller General of the United States (GAO) has statutory authority to consider pre- and post-award protests by firms interested in acquiring U.S. Government contracts. The following is an informal list of some important precedents derived from Comptroller General decisions.

- a. TEP members shall not apply a pre-determined cut-off score in evaluating proposals as to acceptability.
- b. The U.S. Government shall not predetermine the number of offerors with which it will negotiate.
- c. A proposal must fully comply with all mandatory requirements of an RFP to be in an acceptable range to receive further consideration by the TEP.
- d. Each proposal must be evaluated on its own merits using the criteria stated in the RFP, and not in comparison or contrast with any other proposal. This evaluation must be recorded, in writing, by the rating official and, as necessary, must be accompanied by comments as to acceptability or non-acceptability.
- e. All proposals must be evaluated by each member of the TEP. Proposals may not be divided among the members; if ten (10) proposals are received, each member must evaluate each of the ten, independently and without reference to other proposals.
- f. It is improper to reject, without discussions, a proposal because the offeror fails to meet a known design criterion, if the criterion was not stated in the RFP.
- g. Several decisions have held that use of a point rating system for the evaluation of proposals is permissible. However, purely quantitative ratings are not, by themselves, an adequate basis to eliminate an offer from further consideration.
- h. It is necessary that the TEP document the selection process. Protests have been lost due to a lack of "evidence of reasonable basis" for a selection. The TEP needs to explain what information caused the point score to be assigned for the proposal.
- i. Where the record reflects the evaluation followed the solicitation's criteria, GAO usually will deny the protest, absent a showing of fraud or abuse on the part of the U.S. Government.

## **6 FAH-2 H-425 REVIEWING COST/PRICE PROPOSALS**

*(TL:CORH-1; 08-21-1997)*  
*(State Only)*

a. The Contracting Officer is responsible for evaluating the business aspects of an offeror's proposal. The Contracting Officer retains the cost/price proposals and assesses them, with assistance as needed, from contracting, legal, and audit personnel. (No cost information is provided to the technical evaluators until their technical evaluation is complete.)

b. Each business proposal requires some form of price or cost analysis to determine whether:

- (1) The price or cost is reasonable;
- (2) The offeror understands the work; and
- (3) The offeror is able to perform the contract.

## **6 FAH-2 H-426 DETERMINING THE COMPETITIVE RANGE**

*(TL:CORH-1; 08-21-1997)*  
*(State Only)*

a. Determining the competitive range means determining, based upon evaluation of initial proposals, the offerors with whom negotiations/discussions will be held in anticipation of the award of a contract.

b. The Contracting Officer is responsible for determining which proposals are in the competitive range for purposes of conducting written or oral discussions/negotiations. The competitive range is based on the array of scores or relative ranking of the offerors, not on a predetermined cut-off score, such as "the top five offers".

c. The Contracting Officer shall determine the competitive range on the basis of cost or price and other factors that were stated in the solicitation, and shall include all proposals that have a reasonable chance of being selected for award. When there is doubt as to whether a proposal is in the competitive range, the proposal should be included. No offeror may be eliminated from the competitive range solely because of an offer to deliver services or supplies of higher quality than required.

d. The Technical Evaluation Panel should identify any proposal that does not have a reasonable chance of being selected for award. Discussions/negotiations need not be conducted with an offeror whose proposal is not in the competitive range; that is, an offeror whose proposal is so deficient that there is no reasonable chance that it could be improved to the point where it could be selected for award.

## **6 FAH-2 H-427 THROUGH H-429 UNASSIGNED**

# 6 FAH-2 H-424 Exhibit H-424.1

## CONTRACT PROPOSAL TECHNICAL EVALUATION FORMAT

(TL:CORH-1; 08-21-1997)

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### CONTRACT PROPOSAL TECHNICAL EVALUATION

(Each evaluator completes this format for each criterion of each proposal.)

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#### PROPOSAL:

Company/Organization\_\_\_\_\_

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#### EVALUATOR:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Organization

\_\_\_\_\_  
Phone

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#### EVALUATION CRITERION (from RFP):

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NUMERICAL RATING on a scale of \_\_\_\_\_ to \_\_\_\_\_ = \_\_\_\_\_

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ADJECTIVAL RATING: \_\_\_\_\_

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#### NARRATIVE EVALUATION

Strengths\*:

Weaknesses\*:

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EVALUATOR SIGNATURE:

DATE:

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\*Cite specific RFP sections and proposal pages.

# 6 FAH-2 H-424 Exhibit H-424.2 INDIVIDUAL EVALUATOR RATINGS FOR CONTRACT PROPOSAL FORMAT

(TL:CORH-1; 08-21-1997)

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## INDIVIDUAL EVALUATOR RATINGS FOR CONTRACT PROPOSAL

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PROPOSAL: \_\_\_\_\_ EVALUATOR: \_\_\_\_\_

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(List each criterion and subcriterion to be scored. Complete one copy of this form for each evaluator for each proposal.)

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### RATINGS

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EVALUATION  
CRITERIA

ADJECTIVAL  
RATING

NUMERICAL  
RATING

On a scale  
of \_\_\_\_ to \_\_\_\_

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**TOTAL SCORE:**

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**COMMENTS:**

# 6 FAH-2 H-424 Exhibit H-424.4 RATINGS SUMMARY AND PROPOSALS

(TL:CORH-1; 08-21-1997)

## Proposals Summary

Instructions:

Average Score =

$$\frac{\text{Sum of Score}}{\text{Total Number of Evaluators}}$$

PROPOSAL

SCORES  
Evaluator Number  
1 2 3 4 5

SUM OF  
EVALUATORS'  
SCORES

AVERAGE  
SCORE

(1)	_____	_____	_____	_____	_____	_____
(2)	_____	_____	_____	_____	_____	_____
(3)	_____	_____	_____	_____	_____	_____
(4)	_____	_____	_____	_____	_____	_____
(5)	_____	_____	_____	_____	_____	_____
(6)	_____	_____	_____	_____	_____	_____
(7)	_____	_____	_____	_____	_____	_____
(8)	_____	_____	_____	_____	_____	_____
(9)	_____	_____	_____	_____	_____	_____

**6 FAH-2 H-424 Exhibit H-424.4 — Continued**

## Proposals Ranking

(List in descending order, i.e., highest average score is listed first.)

[illegible]